

01  
02  
03  
04  
05  
06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, ) CASE NO. CR05-281-JLR  
09 Plaintiff, )  
10 v. ) SUMMARY REPORT OF U.S.  
11 ROBERT SHANE LUCAS, ) MAGISTRATE JUDGE AS TO  
12 Defendant. ) ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
13

14 An initial hearing on supervised release revocation in this case was scheduled before me  
15 on August 14, 2007. The United States was represented by AUSA Susan M. Roe and the  
16 defendant by Stewart P. Riley. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about January 9, 2006 by the Honorable James L.  
18 Robart on a charge of Possession of a Controlled Substance (cocaine), and sentenced to time  
19 served (about 170 days), 1 year supervised release. (Dkt. 420).

20 The conditions of supervised release included the standard conditions plus the requirements  
21 that defendant participate in drug testing, abstain from the use of alcohol, participate in a drug  
22 treatment program, submit to search, reside in a halfway house for up to 90 days, provide access

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS  
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE  
PAGE -1

01 to financial information, not be self-employed or employed by friends or relatives, obtain approval  
02 for all employment, not work for cash, provide copies of pay stubs to his probation officer, and  
03 not possess identification documents in any but his true name.

04 On January 19, 2006, defendant's probation officer reported that defendant tested positive  
05 for cocaine. He was reprimanded, placed in a structured testing program, and referred for  
06 professional assessment and counseling. (Dkt. 426).

07 On July 31, 2006, defendant admitted to violating supervised release by failing to report  
08 to the community corrections center as directed, committing new law violations of residential  
09 burglary, attempted car theft and stolen property, failing to notify his probation officer within  
10 seventy-two hours of being arrested, and using methamphetamine. (Dkt. 477.) Defendant was  
11 sentenced to four months in custody, with credit for time served, followed by eight months  
12 supervised release. (Dkt. 487.)

13 Defendant's supervised release was modified on March 9, 2007 to require residence in a  
14 halfway house for up to 90 days. (Dkt. 489.)

15 In an application dated July 19, 2007 (Dkt. 493), U.S. Probation Officer Brian K. Facklam  
16 alleged the following violation of the conditions of supervised release:

- 17 1. Using cocaine on or about June 23, 2007 in violation of standard condition number  
18 7.

19 Defendant was advised in full as to those charges and as to his constitutional rights.

20 Defendant admitted the alleged violations and waived any evidentiary hearing as to  
21 whether they occurred.

22 I therefore recommend the Court find defendant violated his supervised release as alleged,

01 and that the Court conduct a hearing limited to the issue of disposition. The next hearing will be  
02 set before Judge Robart.

03 Pending a final determination by the Court, defendant has been released on the conditions  
04 of supervision..

05 DATED this 14th day of August, 2007.

06 

07 Mary Alice Theiler  
08 United States Magistrate Judge

09  
10 cc: District Judge: Honorable James L. Robart  
11 AUSA: Susan M. Roe  
12 Defendant's attorney: Stewart P. Riley  
13 Probation officer: Brian K. Facklam  
14  
15  
16  
17  
18  
19  
20  
21  
22